

XA-10063

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Junji NOGUCHI et al.

Appln. No.: 10/807,222

Group Art Unit: 2815

Filed: March 24, 2004

Examiner: J. Fenty

For: SEMICONDUCTOR DEVICE AND MANUFACTURING METHOD THEREOF

Allowed: April 4, 2007

Confirmation No. 3353

PETITION UNDER 37 C.F.R. § 1.313(c) (2)
TO WITHDRAW APPLICATION FROM ISSUE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.313(c) (2), it is respectfully requested that the subject application be withdrawn from issue in favor of the accompanying Request for Continued Examination. The issue fee was paid in the subject application on June 4, 2007.

The withdrawal of the subject application is needed to enable consideration of additional documents cited in the Information Disclosure Statement which accompanies the Request for Continued Examination.

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The Office is respectfully requested to inform the undersigned promptly by telephone at (703) 610-8652 when this Petition has been considered.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees that may be required by this paper and to credit any overpayment to that Account.

Respectfully submitted,

By: /Mitchell W. Shapiro/
Mitchell W. Shapiro
Reg. No. 31,568

MWS:sjk

Miles & Stockbridge P.C.
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703-903-9000

July 3, 2007

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Request for Continued Examination (RCE) Transmittal Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/807,222
	Filing Date	March 24, 2004
	First Named Inventor	NOGUCHI, J
	Art Unit	2815
	Examiner Name	J. FENTY
	Attorney Docket Number	XA-10063

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required).
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. **50-1165**. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$_____ enclosed.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Signature	/Mitchell W. Shapiro/	Date	July 3, 2007
Name (Print/Type)	Mitchell W. Shapiro	Registration No.	31,568

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at _____, on _____.			
Signature:			
Name:		Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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